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FILED

SEP 11 2015

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Attorneys for Utah Division of Oil, Gas and Mining

BEFORE THE UTAH BOARD OF OIL, GAS AND MINING

In the matter of: reclamation at the Elite
Rock-West mine, permit no.
S/049/050, operated by Wasatch
Mountain Excavating, located
southwest of Elberta in the
southwestern Utah County, Utah

MOTION TO CONTINUE

Docket No. 2015-023
Cause No. S/049/0050

The Utah Division of Oil, Gas and Mining moves the Utah Board of Oil, Gas and Mining to continue the Elite Rock–West matter, docket no. 2015-023, until the regularly scheduled hearing on October 28, 2015. The underlying Notice of Agency Action is an action to forfeit a reclamation surety held for the Division’s benefit and to use the forfeited funds to conduct reclamation at the Elite Rock–West mine site. The grounds for the continuance follow.

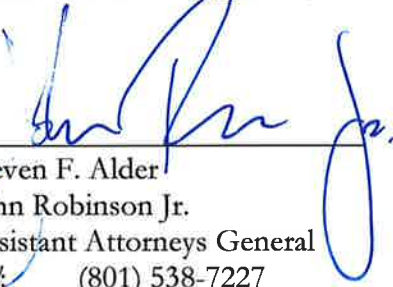
1. The Division recently learned that the reclamation surety, in the form of a \$10,000 certificate of deposit held by Chase Bank for the benefit of the Division, was improperly released by the bank without the Division’s permission (which is required under the deposit agreement).

2. As a result, there is currently no surety to forfeit. The Division and the Attorney General's Office are investigating the situation and working with Chase bank towards reconstituting the surety. The extra month of continuance will allow the Division and its counsel to either resolve this issue or to amend the Notice of Agency Action and name Chase Bank as a respondent.

The Division submits that these reasons show good cause to continue the hearing in this matter until October 28, 2015.

Respectfully submitted on the 11 day of September, 2015.

UTAH OFFICE OF THE ATTORNEY GENERAL



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Certificate of Service

I certify that I caused to be served the above **Motion to Continue** to the following parties by email on September 11, 2015:

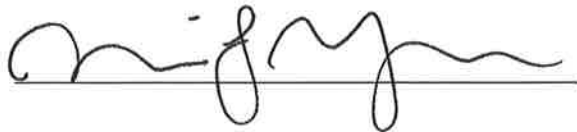
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A handwritten signature in black ink, appearing to read "Dianne Orcutt", written over a horizontal line.